

**REMARKS**

The Office Action and the cited and applied references have been carefully reviewed. No claim is allowed. Claims 7-30 presently appear in this application and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

Claim 7 has been objected to because of informalities. Appropriate correction to claim 7 is made, thereby obviating this objection.

Claims 8, 12, 13, and 23 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is obviated by the amendments to the claims.

Claims 7 and 8 have been rejected under 35 U.S.C. §102(b) as being anticipated by Seaver et al., U.S. Patent 4,748,043. The examiner states that Seaver discloses an apparatus for depositing a sample onto a substrate where the apparatus comprises an electrosprayer and an electrophoretic means (i.e., voltage supply) as disclosed at column 3, line 66 to column 4, line 59, where the electrophoretic means creates a first and second potential. This rejection is respectfully traversed.

With due respect to the examiner, the examiner is confusing the electrophoretic means disclosed by Seaver and the electrophotic means recited in claim 7. The present specification discloses the "electrophotic" means on pages 18-19 and in Fig. 4B, which can be, for example, a semiconductor or photovoltaic structure which creates surface voltage in response to light. There is no disclosure, teaching

or suggestion in Seaver of an electrophotic means as a component of the presently claimed apparatus. Accordingly, Seaver cannot anticipate the present invention and furthermore cannot lead one of ordinary skill in the art to arrive at the present invention.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 7, 8, and 11 have been rejected under 35 U.S.C. §102(e) as being anticipated by Pui et al., U.S. Patent 6,399,362. The examiner states that Pui discloses an apparatus comprising an electrosprayer and an electrophoretic means (Column 7, line 58 to column 8, line 14 and Fig. 1), where the electrophoretic means creates a first and second potential. This rejection is respectfully traversed.

Similar to the above §102(b) rejection over Seaver, Pui cannot anticipate claims 7 and 8 because Pui's electrophoretic means is not an electrophotic means as recited in claim 7. With regard to claim 11, the embodiment of Pui disclosed in Fig. 4 and at column 17, lines 61-67, as pointed out by the examiner in the rejection, merely discloses a mask (placement control member 70) with an opening 71 to allow placement of the spray, i.e., "allows a portion of the particles of spray 28 therethrough for impact with target cells 40". From what is shown in Fig. 4 and by disclosing that only a portion of the spray is allowed to go through the opening in the mask for impact with the target cells, it is clear that another portion is prevented from impacting with the target cells by the mask itself (see Fig. 4). There is no disclosure or teaching of focusing the charged particles and

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there is certainly no disclosure, teaching or suggestion in Pui that a mask be held "at a potential repulsive to the charged particles" as positively recited in claim 11. Accordingly, Pui cannot anticipate the presently claimed invention.

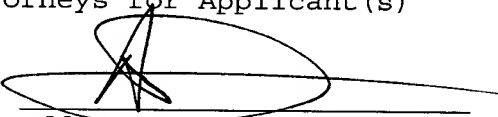
Reconsideration and withdrawal of the rejection are therefore respectfully requested.

In view of the above, the claims comply with 35 U.S.C. §112 and define patentable subject matter warranting their allowance. Favorable consideration and early allowance are earnestly urged.

Respectfully submitted,

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